

**IN THE COURT OF APPEALS**  
**FIRST APPELLATE DISTRICT OF OHIO**  
**HAMILTON COUNTY, OHIO**

DEBORAH BOHANNON,	:	APPEAL NO. C-160704
	:	TRIAL NO. A-1502130
Plaintiff-Appellant,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
SONDRA WALLS, et al.,	:	
	:	
Defendants,	:	
	:	
and	:	
WILLIAMSBURG SQUARE UNIT	:	
OWNERS' ASSOCIATION,	:	
	:	
Defendant-Appellee.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Plaintiff-appellant Deborah Bohannon filed a negligence complaint against defendant-appellee Williamsburg Square Unit Owners' Association ("Williamsburg Square"). Bohannon was a tenant in a building owned and operated by Williamsburg Square when she slipped and fell in a dark stairwell in a common area. She contended that the stairwell had not been properly lit after a timer had been damaged in a storm three weeks before. The trial court granted summary judgment in favor of Williamsburg Square, and Bohannon has filed a timely appeal.

In her sole assignment of error, Bohannon contends that the trial court erred in granting Williamsburg Square's motion for summary judgment. She argues that Williamsburg Square had a duty under landlord-tenant law to maintain the premises in a

safe and habitable condition, and that it had notice of the lack of lighting on the premises. This assignment of error is not well taken.

Violations of a landlord's duties under the Landlord-Tenant Act can constitute negligence per se. But negligence per se does not mean liability per se. The tenant must still prove proximate cause. *Robinson v. Bates*, 112 Ohio St.3d 17, 2006-Ohio-6362, 857 N.E.2d 1195, ¶ 23; *Cippolone v. Hoffmeier*, 1st Dist. Hamilton No. C-060482, 2007-Ohio-3788, ¶ 18 and 24. The plaintiff must show "how and why an injury occurred—to develop facts from which it can be determined by the jury that the defendant failed to exercise due care and that such failure was a proximate cause of the injury." *Cippolone* at ¶ 26, quoting *Boles v. Montgomery Ward & Co.*, 153 Ohio St. 381, 389, 92 N.E.2d 9 (1950). At a minimum, there must be evidence that "the injury was more likely than not caused by the defendant's negligence." *Cippolone* at ¶ 25, quoting *Shumaker v. Oliver B. Cannon & Sons, Inc.*, 28 Ohio St.3d 367, 369, 504 N.E.2d 44 (1986).

Bohannon presented evidence showing that she missed "a couple of steps" and fell in the dark stairwell. She presented no evidence as to what specifically caused her fall, and she never directly attributed her fall to the darkness. Thus, she failed to meet her burden to show that any breach of duty by Williamsburg Square was the proximate cause of her injury, and the trial court did not err in granting summary judgment in its favor. See *Temple v. Wean United, Inc.*, 50 Ohio St.2d 317, 327, 364 N.E.2d 267 (1977); *Cippolone* at ¶ 11. Consequently, we overrule Bohannon's sole assignment of error and affirm the trial court's judgment.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**CUNNINGHAM, P.J., ZAYAS and DETERS, JJ.**

To the clerk:

Enter upon the journal of the court on June 2, 2017

per order of the court \_\_\_\_\_.

Presiding Judge

